

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK  
SYRACUSE DIVISION

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IN RE

LISA D. CHELENZA

DEBTOR

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CHAPTER 13

CASE NO. 14-31221

JUDGE: Margaret M. Cangilos-Ruiz

**LIMITED OBJECTION OF WELLS FARGO BANK, N.A. TO DEBTORS' APPLICATION FOR  
AN ORDER APPROVING SALE OF REAL PROPERTY**

Wells Fargo Bank, N.A. ("Wells"), by and through its attorneys, Shapiro, DiCaro & Barak, LLC, as and for its Limited Objection to Debtors' Application for Order Approving Sale of Real Property, dated June 30, 2016 (the "Application") respectfully states:

1. Lisa D. Chelenza ("Debtor") is the owner of real property located at 1216 Richard Road, Skaneateles, New York 13152 ("Property").
2. On May 2, 2011, the Debtor executed a Note in the amount of \$117,750.00 and executed a Mortgage as security for the Property. The Mortgage was recorded with the Onondaga County Clerk on May 11, 2011 in Liber 16454 page 81.
3. The Debtor filed bankruptcy under Chapter 13 on July 31, 2014.
4. Wells filed Proof of Claim number 5 evidencing the secured debt in the total claim amount of \$112,942.57.
5. On June 30, 2016, the Debtor filed the instant Application seeking Court approval to sell the Property. Debtor's Application includes a proposed closing statement.
6. Wells does not object to the proposed sale under Section 363(f) of the Bankruptcy Code **provided that** the proceeds from the sale are sufficient to satisfy and pay Wells the full amount of the Secured Claim.

7. The Debtor's proposed closing statement includes a general estimate to satisfy the Wells loan. Wells requires the Debtor to obtain a mortgage payoff statement with a payoff figure valid through sometime after the scheduled closing with a per diem.

**WHEREFORE**, Wells respectfully requests that the Court grant the Debtor's Motion to Sell with specific language included in the Order that Wells Fargo Bank, N.A. be paid in full and the Debtor is required to obtain a mortgage payoff statement prior to the scheduled closing date and for such other relief as the Court deems proper.

Date: July 15, 2016



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